

WESTERN CLAY COMPANY

INDUSTRIAL/AGRICULTURAL MINERALS

S/015/061

June 22, 1993

RECEIVED

JUN 24 1993

DIVISION OF
OIL GAS & MINING

Ms. Penelope J. Smalley
Area Manager
Bureau of Land Management
Moab District
San Rafael Resource Area
900 North 700 East
Price, Utah 84501

Dear Ms. Smalley:

I received a letter from you on June 14, 1993 entitled: Notice of Decision. In this letter, Western Clay Company is accused of mining outside of the approved mining area, and of destroying several cacti (*Pediocactus Winkleri*).

From the beginning, Western Clay has had the policy and intent to work very closely with the supervising agencies, and to do exactly as we were required. We thought we were doing this, and were surprised when Neil Simmons called on the telephone telling us we had done the above.

After receiving your letter, I felt I had to write to you and tell our side of the story. Please bear with me while I do this. Before I start, I want to make it clear that we intend to do what you asked in your letter. We want in the worst way to have a good working relationship with you, and to not have a confrontational one.

Stanley Jackson, a part owner and employee of Western Clay Company has been working with Neil Simmons and others from B.L.M. on the subject bentonite mine. Since our last amendment, Mr. Jackson requested an area along the Northeast side of the bentonite to place the caprock overburden. As the bentonite dips to the northeast, the removal of this caprock makes it possible to mine the bentonite more efficiently. Also, the best bentonite, (most pure), is in the 20 feet below the caprock. Mr. Jackson met with Mr. Simmons and Mr. Ludington, your botanist at the site.

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The cacti were located and flagged on this additional strip of land, and the expansion of the mining area was put on hold. Mr. Ludington tried to find a school, agency, or some other entity to take the cacti, but was unsuccessful. Mr. Jackson talked with Mr. Simmons and Mr. Ludington on the telephone several times in this regard, and was of the opinion that if the cacti problem could be solved the strip of land could be used to pile overburden.

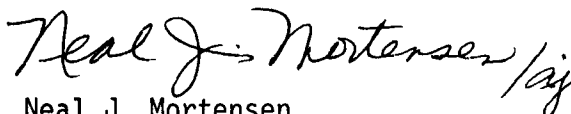
Finally, Mr. Jackson got the impression that the cacti problem was solved, and on visiting the site saw the flags had been removed. He then instructed the workmen to use the area to pile overburden.

Looking back on this, we all realize that the boundary lines should be definitely marked, and any change of operation should be in writing. This will be done.

In your decision letter you asked that we submit an amended notice of operation within 10 days. Eldred Garrick, the engineer from Salt Lake City, that we have been using has been very busy, and unable to get on this project. Stan Jackson will probably request an extension of time.

I hope you receive this letter in the spirit it is intended. It is necessary to us that we have a good working relationship with you.

Sincerely,

A handwritten signature in cursive script that reads "Neal J. Mortensen" followed by a slanted line and the initials "aj".

Neal J. Mortensen
Western Clay Company

NJM:aj

cc: Holland Shepherd, DOGM
Bryant Anderson, Emery County
District Manager, Moab (U-065)
Neil Simmons, BLM Price